

1 FRANK F. SOMMERS IV, ESQ. (SBN 109012)
ANDREW H. SCHWARTZ, ESQ. (SBN 100210)
2 SOMMERS & SCHWARTZ LLP
550 California Street
3 The Sacramento Tower, Suite 700
San Francisco, California 94104
4 Telephone: (415) 955-0925
Facsimile: (415) 955-0927
5
6 Attorney for Plaintiff,
NACIO SYSTEMS, INC.

7
8 **UNITED STATES DISTRICT COURT**
9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
10

11 NACIO SYSTEMS, INC.)	Case No.: C 07 3481 PJH
12 a Nevada corporation,)	
)	
13 Plaintiff)	DECLARATION OF DOMINIC FINN IN
14 v.)	SUPPORT OF:
)	
15 HERBERT GOTTLIEB, an individual;)	1) PLAINTIFF'S APPLICATION WITHOUT
16 SWIDENT, LLC, a California Limited)	NOTICE FOR TEMPORARY RESTRAINING
liability corporation,)	ORDER RE PRESERVING EVIDENCE ; AND
)	
17 Defendants)	2) PLAINTIFF'S SECOND APPLICATION
)	FOR TEMPORARY RETRAINING ORDER

18
19
20
21
22
23
24
25
26
27
28

1
2 I, Dominic Finn, say:

3
4 1. I have personal knowledge of the facts set forth below and could competently
5 testify to them if called upon to do so.

6 2. I work as a Facilities Engineer at Nacio Systems, Inc. One of my responsibilities
7 is to identify and log in every person who enters the Nacio facility in Novato. I know Herb
8 Gottlieb by sight, having worked at the same premises with him for years.

9 3. On March 31, 2006, I was working the front desk at the facility. Mr. Gottlieb, who
10 was leaving his work at Nacio, asked for my help in moving certain items out of his office, items
11 he informed me he had permission to remove, as they were personal possessions of his.

12 4. One of the items that I helped him move was a small safe from his office. He
13 backed his van up to the fire escape and we moved the safe and the other boxes from his office
14 into it.

15
16 I declare under penalty of perjury under the law of the United States that the foregoing is
17 true and correct and that this declaration was executed in Novato, California on July ___, 2007.

18
19
20 _____
21 Dominic Finn
22
23
24
25
26
27
28